

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

HILMER SCHOENBAUM,

Plaintiff,

v.

E.I. DUPONT DE NEMOURS AND
COMPANY, PIONEER HI-BRED
INTERNATIONAL, INC., AND
MONSANTO COMPANY,

Defendants.

MICHAEL DORA AND
WAYNE E. SCHOLL,

Plaintiffs,

v.

E.I. DUPONT DE NEMOURS AND
COMPANY, PIONEER HI-BRED
INTERNATIONAL, AND MONSANTO
COMPANY,

Defendants.

TIM CURRY,

Plaintiff,

v.

E.I. DUPONT DE NEMOURS AND
COMPANY, PIONEER HI-BRED
INTERNATIONAL, AND MONSANTO
COMPANY,

Defendants.

No. 4:05CV1108 ERW

No. 4:05CV1174 CAS

No. 4:05CV1175 ERW

RICHARD HUGHES AND
MATTHEW BAUMGARDNER,

Plaintiffs,

v.

E.I. DUPONT DE NEMOURS AND
COMPANY, PIONEER HI-BRED
INTERNATIONAL, AND MONSANTO
COMPANY,

Defendants.

RICHARD KRAUS, JR.
*on behalf of himself and all others
similarly situated,*

Plaintiff,

v.

E.I. DUPONT DE NEMOURS &
COMPANY, INCORPORATED,
PIONEER HI-BRED INTERNATIONAL,
INC., AND MONSANTO COMPANY,

Defendants.

ANDY DUPRAZ
*on behalf of himself and all others
similarly situated,*

Plaintiff,

v.

E.I. DUPONT DE NEMOURS AND
COMPANY, PIONEER HI-BRED
INTERNATIONAL, AND MONSANTO
COMPANY,

Defendants.

No. 4:05CV1190 CDP

No. 4:05CV1218 CEJ

No. 4:05CV1223 SNL

DON SCHOEDER)
on behalf of himself and all others)
similarly situated AND)
THOMAS STEJSKAL)
on behalf of himself and all others)
similarly situated,)

Plaintiffs,)

v.)

No. 4:05CV1229 CEJ

E.I. DUPONT DE NEMOURS AND)
COMPANY, PIONEER HI-BRED)
INTERNATIONAL, AND MONSANTO)
COMPANY,)

Defendants.)

UNION LINE FARMS, INC.)
on behalf of themselves and all others)
similarly situated AND)
RANDY TOENJES)
on behalf of themselves and all others)
similarly situated,)

Plaintiffs,)

v.)

No. 4:05CV1230 ERW

E.I. DUPONT DE NEMOURS AND)
COMPANY, PIONEER HI-BRED)
INTERNATIONAL, AND MONSANTO)
COMPANY,)

Defendants.)

BIRKEMEYER FARM PARTNERSHIP
AND VANDERVOORT FARMS,
INC.,

Plaintiffs,

v.

E.I. DUPONT DE NEMOURS AND
COMPANY, PIONEER HI-BRED
INTERNATIONAL, INC., AND
MONSANTO COMPANY,

Defendants.

DOYLE BOUNDS AND
GARY BOUNDS,

Plaintiffs,

v.

E.I. DUPONT DE NEMOURS AND
COMPANY, PIONEER HI-BRED
INTERNATIONAL, AND
MONSANTO COMPANY,

Defendants.

ROBERT FINKEN
*on behalf of himself and all others
similarly situated,*

Plaintiff,

v.

E.I. DUPONT DE NEMOURS AND
COMPANY, PIONEER HI-BRED
INTERNATIONAL, AND MONSANTO
COMPANY,

Defendants.

No. 4:05CV1311 HEA

No. 4:05CV1445 JCH

No. 4:05CV1478 SNL

WALTER OTIS)
on behalf of himself and all others)
similarly situated)

Plaintiff,)

v.)

E.I. DUPONT DE NEMOURS AND)
COMPANY, PIONEER HI-BRED)
INTERNATIONAL, AND MONSANTO)
COMPANY,)

Defendants.)

DEE FORTKAMP)
on behalf of themselves and all others)
similarly situated,)

CHARLYNN HAMILTON)
on behalf of themselves and all others)
similarly situated,)

JAMES HOWARD)
on behalf of themselves and all others)
similarly situated,)

JIMMY HOWARD)
on behalf of themselves and all others)
similarly situated,)

DEAN HOWARD)
on behalf of themselves and all others)
similarly situated, AND)

FRANCIS PERLINGER)
on behalf of themselves and all others)
similarly situated,)

Plaintiffs,)

v.)

E.I. DUPONT DE NEMOURS AND)
COMPANY, PIONEER HI-BRED)
INTERNATIONAL, AND MONSANTO)
COMPANY,)

Defendants.)

No. 4:05CV1853 SNL

No. 4:05CV2314 FRB

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Hilmer Schoenbaum and Defendants E.I. DuPont de Nemours and Company, Pioneer Hi-Bred International, Inc., and Monsanto Company's Joint Motion to Consolidate Related Cases (doc. #92), Supplemental Joint Motion to Consolidate Related Case (doc. #100), and Second Supplemental Joint Motion to Consolidate Related Case (doc. #101)¹ and Plaintiffs Dee Fortkamp, Charlynn Hamilton, James Howard, Jimmie Howard, Dean Howard, Francis Perlinger and Defendants E.I. DuPont de Nemours and Company, Pioneer Hi-Bred International, Inc., and Monsanto Company's Joint Motion to Defer All Proceedings and for Extension of Time to Answer or Otherwise Respond to Plaintiffs' Petition Pending Ruling on Motion to Consolidate (doc. #30).

¹The parties have filed concurrently in the other twelve pending cases a notice of this motion: Dora, et al. v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1174CAS (Docket No. 26); Curry v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1175ERW (Docket No. 93); Hughes, et al. v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1190CDP (Docket No. 60); Kraus v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1218CEJ (Docket No. 32); Dupraz v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1223SNL (Docket No. 28); Schroeder, et al. v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1229CEJ (Docket No. 27); Union Line Farms, Inc., et al. v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1230ERW (Docket No. 29); Birkemeyer Farm Partnership, et al. v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1311HEA (Docket No. 21); Bounds, et al. v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1445JCH (Docket No. 20); Finken v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1478SNL (Docket No. 18); Otis v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1853SNL (Docket No. 22); and Fortkamp, et al. v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV2314FRB (Docket No. 29).

This Court has discretion to order matters consolidated pursuant to Rule 42(a) of Federal Rules of Civil Procedure, which provides:

When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

Fed. R. Civ. P. 42(a). The Rule requires only that there be a common question of law or fact, even if the claims arise out of independent transactions. 9 Charles A. Wright & Arthur R. Miller, Federal Practice and Procedure §2382 (2d ed. 1995).

The above-mentioned cases and the instant case involve Plaintiffs who have filed suit against Defendants E.I. Dupont de Nemours and Company, Pioneer Hi-Bred International, Inc., and Monsanto Company in thirteen states, alleging similar factual allegations regarding the purchase of genetically-modified crop seeds manufactured and/or sold by Defendants during the time period relevant to this action. The parties have filed a joint motion requesting consolidation of the thirteen cases. Inasmuch as the thirteen cases involve common parties and common issues of fact, the undersigned finds that consolidation of the proceedings will serve the interests of convenience and economy in administration and avoid unnecessary cost or delay. Enterprise Bank v. Saettele, 21 F.3d 233, 235 (8th Cir. 1994).

IT IS HEREBY ORDERED that Plaintiff Hilmer Schoenbaum and Defendants E.I. DuPont de Nemours and Company, Pioneer Hi-Bred International, Inc., and Monsanto Company's Joint Motion to Consolidate Related Cases (doc. #92), Supplemental Joint Motion to Consolidate Related Case (doc. #100), and Second Supplemental Joint Motion to Consolidate Related Case (doc. #101) are **GRANTED**.

IT IS FURTHER ORDERED that the stay entered in the Order dated October 26, 2005, in Otis v. E.I DuPont de Demours & Company, Pioneer Hi-Bred International, and Monsanto Company, Cause No. 4:05CV1853, is lifted inasmuch as the Court has entered the consolidation order herein.

IT IS FURTHER ORDERED that Plaintiffs Dee Fortkamp, Charlynn Hamilton, James Howard, Jimmie Howard, Dean Howard, Francis Perlinger and Defendants E.I. DuPont de Nemours and Company, Pioneer Hi-Bred International, Inc., and Monsanto Company's Joint Motion to Defer All Proceedings and for Extension of Time to Answer or Otherwise Respond to Plaintiffs' Petition Pending Ruling on Motion to Consolidate (doc. #30) is **GRANTED**. Defendants shall file responsive pleadings no later than **January 25, 2006**.

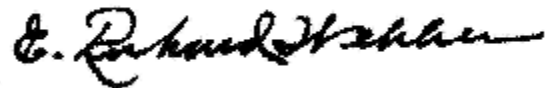
IT IS FURTHER ORDERED that Dora, et al. v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1174 CAS; Hughes, et al. v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1190 CDP; Kraus v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1218 CEJ; Dupraz v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1223 SNL; Schroeder, et al. v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1229 CEJ; Birkemeyer Farm Partnership, et al. v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1311 HEA; Bounds, et al. v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1445 JCH; Finken v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1478 SNL; Otis v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1853SNL; and Fortkamp, et al. v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV2314 FRB are transferred to United States District Judge E. Richard Webber.

IT IS FURTHER ORDERED that Cause Nos. 4:05CV1174 CAS, 4:05CV1175 ERW, 4:05CV1190 CDP, 4:05CV1218 CEJ, 4:05CV1223 SNL, 4:05CV1229 CEJ, 4:05CV1230 ERW 4:05CV1311 HEA, 4:05CV1445 JCH, 4:05CV1478 SNL, 4:05CV1853 SNL, and 4:05CV2314 FRB are consolidated with Cause No. 4:05CV1108 ERW.

IT IS FURTHER ORDERED that all claims in Cause Nos. 4:05CV1108 ERW, 4:05CV1174 CAS, 4:05CV1175 ERW, 4:05CV1190 CDP, 4:05CV1218 CEJ, 4:05CV1223 SNL, 4:05CV1229 CEJ, 4:05CV1230 ERW 4:05CV1311 HEA, 4:05CV1445 JCH, 4:05CV1478 SNL, 4:05CV1853 SNL, and 4:05CV2314 FRB are before the Court in this consolidated proceeding.

IT IS FURTHER ORDERED that all future pleadings shall be filed in Schoenbaum v. E. I. DuPont de Nemours & Company, et al., Cause No. 4:05CV1108ERW. Counsel for all parties shall appear before this Court on **January 4, 2006**, at **3:00 p.m.** for an in-court hearing on Plaintiffs' Motion for Appointment of Interim Class Counsel [doc. #94].

So Ordered this 20th Day of December , 2005.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE